



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,000	12/18/2001	Kevin L. Parsons	86604	8498

24628 7590 01/26/2005

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT PAPER NUMBER

3724

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/025,000

Applicant(s)

PARSONS ET AL. ED

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears n th cover sheet with the correspondence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-16, 18-20 and 25-32 is/are rejected.
- 7) ☒ Claim(s) 17 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on 12/09/04.

Claim Objections

2. Claims 29 and 30 are objected to because of the following informalities: Claims 29 and 30 are the same and claim 30 depends from claim 29. Also, claim 29 depends from itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. Claims 14-16, 18-20, 26-31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrows (1066456).

Regarding claims 14 and 26, Barrows discloses the invention including a head member 1 having a slot (see Fig. 1), a transverse slit (see Fig. 3, the space between the two plates 1), a connector pin 13, a shield portion which is the area between a member A and a top end portion of the head member 1. Regarding claim 15, Barrows teaches a cutting surface which is the inside surface of the member A. Regarding claim 16, Barrows teaches a triangular shape cutting surface (see Fig. 1 where there is an apex close to the rivet 2 forming an inverted triangular shape). Regarding claim 18, Barrows teaches a guide 12. Regarding claims 19, 20 and 32; Barrows teaches a key ring opening (see Fig. 1, the opening between end legs and a lever 16).

Art Unit: 3724

Regarding claim 26, Barrows teaches a cutting chamber A1. Regarding claims 27-31, Barrows teaches an outer contact point having angled cutting surfaces (see Fig. 3, where the tip is the contact point with two angled surfaces).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrows (1066456).

Barrows discloses the invention substantially as claimed except for a width of less than 0.25 inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Barrows's width by providing the width of less than 0.25 inches for the purpose of cutting object with a diameter less than 0.25 inches, which this limitation is not patentably significant since it at most relates to the size of the article under consideration which is not ordinarily a matter of invention. In re Yount.

Allowable Subject Matter

7. Claims 1-13 are allowed.

Art Unit: 3724

8. Claims 17 and 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REASONS FOR ALLOWANCE

10. The following is an examiner's statement of reasons for allowance: Claims are allowable because Hunag fails to teach a *connector pin* operatively *connecting* a first leg and a cutting blade and being slidably received in an elongated slot in a plate portion and the connector pin *causing movement* of the cutting blade as set forth in claims 1, 8 and 9.

Huang (5373639) teaches a cutting device, a plate portion 10 having top side, left and right sides and a slot 15, a transverse slit 12, a cutting blade 21, first and second legs 40, a shield portion 11, a cutting chamber 17, first and second legs are in an open position the cutting blade is in a retracted condition (see Fig. 3), first and second legs are moved into a closed position/fully closed position the blade is moved to the shield portion and a connecting/rolling element 26. However, Huang's rolling element 26 is *connected only* in the outer surface blade means 20 (see col. 2, lines 9-11) in order to reducing the friction of the blade means inside head portion 10 and links members 30, 31 and 32 are the mechanism for *causing movement* of the cutting blade when the legs are moved to the closed position. Also, there is no motivation to replace Huang's rolling element for a pin because the function of the pin is to connect two parts, when the rolling element in this case is only for reducing the friction of the blade means inside head portion and the connection with the leg is performed by the links members.

Art Unit: 3724

Also, claims are allowable because Barrows (1066456) fails to teach a head member having a cutting chamber *between* a shield portion and a plate portion, when the shield portion having a cutting surface as set forth in claims 1, 8 and 9.

Barrows teaches a head member 1, a cutting chamber A1, a shield portion which is the area between a member A and a top end portion of the head member 1, a plate portion is the middle portion of the head member 1, a cutting surface which is the inside surface of the member A and transverse slit which is the space between the two head members 1 (see Fig. 3). However, Barrows's cutting chamber is located within the shield portion, instead of between the shield portion and the plate portion as set forth in claims 1, 8 and 9.

Response to Arguments

11. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs
January 23, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700